

### REMARKS

In response to the Office Action of March 28, 2005, Applicant respectfully requests reconsideration. Claims 1 and 23-41 were previously pending in this application and claims 1, 32, and 36 are amended herein. The application as presented is believed to be in condition for allowance.

Initially, Applicant would like to thank Examiner Zimmerman for the courtesies extended during telephone interview on June 27, 2005, the substance of which is summarized herein.

#### Rejections Under 35 U.S.C. §112

The Office Action rejected claims 1 and 23-41 under 35 U.S.C. §112, first paragraph, asserting that support cannot be found in the specification for the limitation in independent claim 1 that recites, “wirelessly transmitting said accessed second control signals from said first apparatus to said second apparatus to remotely control said second apparatus responsive to selected ones of said first control signals received from said first remote control device, without first transmitting said accessed second control signals to said first remote control device,” for the limitation in claim 32 that recites, “wherein the transmitting means is further operative to wirelessly transmit said accessed second control signals received by said second receiving means from the broadcast medium to said second remotely controlled apparatus as said second control signals, to remotely control the second remotely controlled apparatus, without first transmitting said accessed second control signals to said first remote control device,” and for the limitation in claim 36 that recites, “wherein said first remotely controlled apparatus wirelessly transmits said second control signals to said second remotely controlled apparatus based upon said signals received from the broadcast medium to remotely control said second remotely controlled apparatus responsive to selected ones of said first control signals, without first transmitting said second control signals to said first remote control device.” Applicant respectfully traverses this rejection.

Support for these limitations may be found in Applicant’s specification at, *inter alia*, page 10, lines 13-17, and Figure 1, which teaches that set top box (STB) 10 may transmit control signals CS5 to control apparatus 20, 30, and 40, without first transmitting the control signals CS5 to remote control device RC1.

In view of the foregoing, it is respectfully requested that the rejection of claims 1 and 23-41 under 35 U.S.C. §112, first paragraph, be withdrawn.

Rejections Under 35 U.S.C. §103

The Office Action rejected claims 1, 23-25, 28, 32, 33, and 41 under 35 U.S.C. §103(a) as purportedly being obvious over Goldstein (5,410,326) and either Levine (5,123,046) or Young (5,151,789). The Office Action further rejected claims 26, 27, 29, 30, 31, and 34-40 under 35 U.S.C. §103 as purportedly being obvious over Goldstein and either Levine or Young, in combination with various other references.

During the telephone interview on June 27, 2005, Applicant inquired as to the nature of the combination of Goldstein with either Levine or Young and what the Examiner believed the system resulting from the combination would look like. The Examiner asserted that one of skill in the art would have modified the system of Levine, based on the teachings of Goldstein, to replace the three decoders in Levine (i.e., 46a, 46b, and 46c in Figure 1) with a memory that would receive control codes for controlling the cable box 10 from a broadcast medium. That is, the Examiner asserted that because Goldstein teaches receiving control signals that can be used to control other apparatuses from a broadcast medium, this feature may be incorporated into the system of Levine by replacing the decoders 46 in Levine with a memory that receives control signals over a broadcast medium.

Applicants pointed out that there is no suggestion or motivation to combine the references in this manner and that, to the extent that one of skill in the art would have been motivated to combine Goldstein and Levine in any way, the combination would have resulted in a system different from that which the Examiner asserts, as neither reference discloses or suggests wirelessly transmitting second control signals received from a broadcast medium from the first apparatus to the second apparatus, responsive to the first control signals, without first transmitting the second control signals to the first remote control device.

Levine discloses that most video recorders (i.e., VCRs) include a system for enabling the automatic, unattended recording of programs scheduled for future transmission (Col. 1, lines 17-19). Often the source of signals for the video recorder include a scrambled cable or satellite signal that must be descrambled by a cable box before it can be recorded (Col. 1, lines 32-40). The cable box may be tuned to a particular channel within the signal by an operator and the

output (i.e., the descrambled signal) may be provided to the video recorder (Col. 1, lines 40-45). As a result, to properly record a future scheduled television program, the cable box must be tuned to the desired channel at the time the signal is to be recorded (Col. 1, lines 52-56).

Levine discloses a remote control transmitter, connected to the video recorder by a flexible cable, which sends a signal to the remote control receiver of the cable box, causing it to tune to the appropriate channel at the time the video recorder is programmed to record a television program occurring on that channel (Col. 2, lines 16-21 and Col. 4, lines 12-29). In order to allow such a remote control transmitter to be used with several types of cable boxes, each of which may employ a different coding for channel selection, the video recorder includes three decoders which convert the channel selection output signals from the video recorder microprocessor into one of three formats, each for use with a different make of cable box (Col. 4, lines 30-37). A manual selector switch allows one of the three decoders to be connected between the microprocessor of the video recorder and the remote control transmitter (Col. 4, lines 38-40). Thus, in Levine, the control signals sent from the video recorder to the cable box are not downloaded from a broadcast medium, but rather are hardwired into the video recorder and are selected using the manual selector switch.

Goldstein is directed to an entirely different problem of providing a universal remote control device to control multiple different devices. In Goldstein, control signals received from the broadcast medium by the cable converter are first transmitted to the remote control before being transmitted to control other devices, such as a television or VCR.

While Applicant disagrees that there is any suggestion in either Goldstein or Levine that would have motivated one of skill in the art to combine the two references in any manner, even if one were to combine the references, the resulting system would differ from the system asserted by the Examiner.

Levine provides a system for dealing with the problem of ensuring that a cable box is tuned the correct channel so that a VCR that receives an input signal from the cable box will record the intended program. Goldstein provides a system for providing a universal remote control that is capable of controlling multiple devices. Thus, the combined system would be one which provides the cable box tuning capabilities, as taught by Levine, and the universal remote control capabilities as taught by Goldstein.

As discussed above, the cable box tuning techniques of Levine do not include use of signals received over a broadcast medium. The universal remote control technique taught by Goldstein does involve receiving signals over a broadcast medium, but these signals must first be transmitted to and stored by a remote control device before being transmitted (i.e., by the remote control device) to control other devices.

Thus, even if one were to combine Levine and Goldstein, the combined system would not perform an act of, “wirelessly transmitting said accessed second control signals from said first apparatus to said second apparatus to remotely control said second apparatus responsive to selected ones of said first control signals received from said first remote control device, without first transmitting said accessed second control signals to said first remote control device,” as recited in claim 1.

While Applicant continues to believe that the claims as pending prior to this Amendment were patentable over the cited art for the reasons discussed above, in the interest of furthering the prosecution of this application, Applicant has amended independent claims 1, 32, and 36, to further distinguish over Levine and Goldstein, even if one were to combine these references in the manner asserted in the Office Action.

In the Examiner’s asserted combination of Goldstein and Levine (hereinafter the “Goldstein/Levine system”), VCR 12 only wirelessly operates one other device (i.e., cable box 10). Because the system of Levine is directed to providing a VCR with the capability to automatically tune a cable box to the appropriate frequency so that VCR 12 may record the correct television program, there is no reason to enable VCR 12 to control multiple different devices.

As discussed below, Applicant has amended independent claims 1, 32, and 36, to each include limitations relating to receiving signals over the broadcast medium that may be used to control at least two devices. Thus, even if one of skill in the art were to have modified the system of Levine, based on the teachings of Goldstein, to receive control signals for controlling the cable box 10 over a broadcast medium, these control signals would only be used to control the cable box 10, and not any other devices.

**Claim 1**

Claim 1, as amended, is directed to a method of controlling a first and a second remote controlled apparatus. The method comprises steps of: receiving, at said first apparatus, first control signals that are associated with a first remote control device, said first apparatus being operatively responsive to said first control signals and to signals received from a broadcast medium that provides at least one of audio and video signals from a media content provider; receiving, at said first apparatus, second control signals from said broadcast medium that are associated with a second remote control device that is physically distinct from the first remote control device, said second apparatus being operatively responsive to said second control signals; receiving, at said first apparatus, third control signals from said broadcast medium that are associated with a third remote control device that is physically distinct from the first remote control device, wherein a third apparatus is operatively responsive to the third control signals; storing said second control signals in said first apparatus; accessing said stored second control signals responsive to selected ones of said first control signals; and wirelessly transmitting said accessed second control signals from said first apparatus to said second apparatus to remotely control said second apparatus responsive to selected ones of said first control signals received from said first remote control device, without first transmitting said accessed second control signals to said first remote control device.

As should be clear from the discussion above, neither Goldstein nor Levine discloses or suggests, “receiving, at said first apparatus, second control signals from said broadcast medium that are associated with a second remote control device that is physically distinct from the first remote control device, said second apparatus being operatively responsive to said second control signals” and “receiving, at said first apparatus, third control signals from said broadcast medium that are associated with a third remote control device that is physically distinct from the first remote control device, wherein a third apparatus is operatively responsive to the third control signals.”

In the Goldstein/Levine system, the VCR 12 of Levine includes a memory that receives control signals over a broadcast medium to control the cable box 10. However, because in Levine there is no need for VCR 12 to control devices other than the cable box 10, the only control signals received over the broadcast medium would be those needed to control cable box 10.

By contrast, claim 1 requires receiving second control signals over the broadcast medium to which a second apparatus is operatively responsive and receiving third control signals over the broadcast medium to which a third apparatus is operatively responsive.

Thus, claim 1 patentably distinguishes over Goldstein and Levine. Accordingly, it is respectfully requested that the rejection of claim 1 under 35 U.S.C. §103(a) be withdrawn.

Claims 23-31 and 41 depend from claim 1 and are patentable for at least the same reasons. Accordingly, it is respectfully requested that the rejection of claims 23-31 and 41 under 35 U.S.C. §103(a) be withdrawn.

### **Claim 32**

Claim 32 is directed to a remotely controlled apparatus, comprising: first receiving means for receiving first control signals from a first remote control device; second receiving means for receiving signals from a broadcast medium that provides at least one of audio and video signals from a media content provider, said signals from the broadcast medium including second control signals that are associated with a second remotely controlled apparatus that is operatively responsive to said second control signals from a second remote control device that is physically distinct from the first remote control device, said signals from the broadcast medium including third control signals that are associated with a third remotely controlled apparatus that is operatively responsive to the third control signals; storage means for storing said second control signals; control means for accessing said stored second control signals responsive to selected ones of said first control signals thus obtaining accessed second control signals; and transmitting means for wirelessly transmitting said accessed second control signals to said second remotely controlled apparatus to remotely control said second remotely controlled apparatus; wherein the transmitting means is further operative to wirelessly transmit said accessed second control signals received by said second receiving means from the broadcast medium to said second remotely controlled apparatus as said second control signals, to remotely control the second remotely controlled apparatus, without first transmitting said accessed second control signals to said first remote control device.

As should be clear from the discussion above, the Goldstein/Levine system does not include, "second receiving means for receiving signals from a broadcast medium that provides at least one of audio and video signals from a media content provider, said signals from the

broadcast medium including second control signals that are associated with a second remotely controlled apparatus that is operatively responsive to said second control signals from a second remote control device that is physically distinct from the first remote control device, said signals from the broadcast medium including third control signals that are associated with a third remotely controlled apparatus that is operatively responsive to the third control signals,” as recited in claim 32.

Thus, claim 32 patentably distinguishes over Goldstein and Levine. Accordingly, it is respectfully requested that the rejection of claim 32 under 35 U.S.C. §103(a) be withdrawn.

Claims 33-35 depend from claim 32 and are patentable for at least the same reasons. Accordingly, it is respectfully requested that the rejection of claims 33-35 under 35 U.S.C. §103(a) be withdrawn.

#### **Claim 36**

Claim 36 is directed to a remote control system comprising: a first remotely controlled apparatus operationally responsive to first control signals associated with a first remote control device and to signals received from a broadcast medium that provides at least one of audio and video signals from a media content provider; and a second remotely controlled apparatus operatively responsive to second control signals associated with a second remote control device that is physically distinct from the first remote control device; a third remotely controlled apparatus operatively response to third control signals associated with a third remote control device, wherein said first remotely controlled apparatus wirelessly transmits said second control signals to said second remotely controlled apparatus based upon said signals received from the broadcast medium to remotely control said second remotely controlled apparatus responsive to selected ones of said first control signals, without first transmitting said second control signals to said first remote control device, and wherein said first remotely controlled apparatus wirelessly transmits said third control signals to said third remotely controlled apparatus based upon said signals received from the broadcast medium to remotely control said third remotely controlled apparatus responsive to selected ones of said first control signals, without first transmitting said third control signals to the first remote control device.

As should be clear from the discussion above neither Goldstein nor Levine discloses or suggests that the “first remotely controlled apparatus wirelessly transmits said second control

signals to said second remotely controlled apparatus based upon said signals received from the broadcast medium to remotely control said second remotely controlled apparatus responsive to selected ones of said first control signals, without first transmitting said second control signals to said first remote control device,” and that the “first remotely controlled apparatus wirelessly transmits said third control signals to said third remotely controlled apparatus based upon said signals received from the broadcast medium to remotely control said third remotely controlled apparatus responsive to selected ones of said first control signals, without first transmitting said third control signals to the first remote control device,” as recited in claim 36.

Thus, claim 36 patentably distinguishes over Goldstein and Levine. Accordingly, it is respectfully requested that the rejection of claim 36 under 35 U.S.C. §103(a) be withdrawn.

Claims 37-40 depend from claim 36 and are patentable for at least the same reasons. Accordingly, it is respectfully requested that the rejection of claims 37-40 under 35 U.S.C. §103(a) be withdrawn.

#### **Rejections Under Goldstein and Young**

Applicant notes that the Office Action rejected the claims under 35 U.S.C. §103(a) as purportedly obvious over Goldstein in combination with either Levine or Young. Applicant has addressed the rejection of Goldstein in combination with Levine above. Young discloses a system very similar to that of Levine and, for the purposes of responding to the rejection in the Office Action, the arguments provided above with respect to the rejection under Goldstein and Levine apply equally to the rejection under Goldstein and Young.



**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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